

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT SHEAFFER,

Plaintiff,

v.

HENRY RICHARDS, *et al.*,

Defendants.

Case No. C06-5232RJB/KLS

REPORT AND
RECOMMENDATION

**NOTED:
JUNE 23, 2006**

This Civil Rights action been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1) and Local MJR 3 and 4. Plaintiff filed his complaint on April 25, 2006 (Dkt. # 1). By letter dated May 25, 2006, plaintiff advised the court that he has decided to withdraw his civil rights complaint. (Dkt. # 4).

DISCUSSION

Rule 41(a)(1) of the Federal Rules of Civil Procedure provides, in pertinent part:

[A]n action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs

CONCLUSION

The court should dismiss this action as plaintiff has stated that he wishes to withdraw his civil rights complaint. No answer or motion for summary judgment has been filed by defendants. A proposed order accompanies this Report and Recommendation.

1 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,
2 the parties shall have ten (10) days from service of this Report and Recommendation to file written
3 objections. *See also* Fed. R.Civ. P. 6. Failure to file objections will result in a waiver of those
4 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time
5 limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **June 23,**
6 **2006**, as noted in the caption.

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8 DATED this 6th day of June, 2006.

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11 Karen L. Strombom
12 United States Magistrate Judge
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